
APPENDIX A

DETERMINATION OF FEASIBLE MEASURES AND EXPEDITIOUS ADOPTION SCHEDULE

Areas that cannot achieve the 5% per year pollutant reduction target in the California Clean Air Act (the Act) can comply with an alternative requirement of the Act, Section 40914 (b) (2), which calls for inclusion of every feasible measure in a plan and an expeditious adoption schedule. However, neither "feasible" nor "expeditious" is defined in the Act.

Feasible Measures

Three sources of information have been useful in developing a working definition of feasible. These are: (1) common usage, (2) California Environmental Quality Act (CEQA) definitions, and (3) California Air Resources Board (ARB) guidance.

In common usage, *feasible* means capable of being done or dealt with successfully; suitable, reasonable, likely. (Webster's Ninth New Collegiate Dictionary, Merriam-Webster, 1988.)

In State law and in the CEQA guidelines, *feasible* means:

"capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

This definition is also expressed in Air District Regulation 2, Rule 2, Section 232.

The ARB provided guidance on the meaning of feasible through various documents, including:

- **California Clean Air Act Guidance Paper #1** (ARB, August 1989), which discusses requirements for areas that cannot meet the 5% reduction target: "Simply put, the nonattainment area has to show that every reasonable and necessary step is being taken to achieve State standards by the earliest practicable date."
- **California Clean Air Act Transportation Requirements Guidance** (ARB, February 1990), which includes recommendations for reasonably available transportation control measures.
- **List of Feasible Measures for Stationary Sources** (ARB, March 19, 1991), which includes recognition of administrative and scheduling constraints.

The ARB has the responsibility to review all clean air plans and to either approve the plans or notify the appropriate air district of any deficiencies (Sec. 41503).

The information sources listed above are largely compatible in terms of providing a useful definition of feasible. They were combined into the working definition of feasible for this Plan, which is as follows:

Feasible measures are those measures which are: (1) reasonable and necessary for the San Francisco Bay Area; (2) capable of being implemented in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors; and (3) approved or approvable by the California Air Resources Board, based upon State law and ARB policies.

Air District staff periodically monitor and review regulations adopted in other California areas.

Expeditious Adoption Schedule

The Air District would like to immediately adopt and implement all new control programs in order to improve air quality and protect health as quickly as possible.

In practice, Air District staff and the Air District Board of Directors must address the measures sequentially and, for each measure, take the necessary technical, administrative, and legal steps for successful implementation. It takes from six to eighteen months (and six to eighteen person-months of staff effort) to adopt a measure. The amount of time and resources required depends on the complexity, stringency, and cost of the proposed measure and upon the size, diversity, and sophistication of the regulated community. New programs for previously unregulated sources are particularly difficult.

ARB guidance suggests at least six plan measures per year as an expeditious schedule. For the '97 CAP, the Air District will attempt an adoption schedule of eight plan measures per year on average, during the 1998-2000 period. This effort will be in addition to other non-CAP regulatory programs related to toxics, particulate matter, and updates of existing rules. The proposed schedule will require additional time from staff and Board members, because many of the measures will result in protracted rule development and adoption procedures. Legislative efforts to allow the region to pursue market-based transportation control measures will also present a tremendous challenge for staff.

For each measure, Air District staff will have to gather and analyze data, identify the regulated community, prepare control proposals, prepare mailings, hold workshops, communicate with all interested parties, refine analyses, prepare staff reports, develop delegation and/or enforcement procedures, and schedule public hearings. If additional measures are added to the regulatory schedule, staff will have to delay some originally programmed measures or seek additional resources.

The Air District's sequence of adoption for the stationary and mobile source control measures in the '97 CAP is determined by four primary considerations:

- Technical feasibility
- Significant ozone precursor reductions
- Cost-effectiveness within previously established ranges
- Flexibility and streamlining regulations

Scheduling of the transportation control measures is based primarily on availability under existing authorities and on agency resource constraints. MTC and its transportation partners have responsibility for implementing most of the TCMs.